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BEN LO  
ANYWHERECOMMERCE vs INGENICO, INC.

December 08, 2021  
9-12

<p style="text-align: right;">Page 9</p> <p>1 understand that today is a question and answer 2 format, yes? 3 A. Yes. 4 Q. And so I'm going to be asking a series of 5 questions today, and your obligation is to 6 provide answers to those questions consistent 7 with the oath that you just took to tell the 8 truth. You understand that, right? 9 A. I understand that. 10 Q. You understand that the oath that you've taken 11 requires you to tell the truth just as though you 12 were in a courtroom with a judge, even though we 13 don't have a judge here today, yes? 14 A. Yes. 15 Q. And you're doing a very good job of this so far, 16 but because we are being recorded by a court 17 reporter, who's taking down what's being said, in 18 order for it to be clear, it's important that we 19 not talk at the same time. Do you understand 20 that? 21 A. Yes. 22 Q. And so I will do my best to wait until your done 23 answering a question before I answer -- before I 24 ask my next one. And if you could do the same, 25 wait until my question is done before giving an</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Excellent. Okay. So one last question about 2 that deposition that you gave in the Samsung Pay 3 case, did that have anything to do with the facts 4 that are at issue in the case that you're here 5 for today? 6 A. No. 7 Q. No? Okay. 8 A. No. 9 Q. The -- was BBPOS the plaintiff in that case? 10 A. Yes. 11 Q. Was there any allegation of trade secret theft? 12 A. No. 13 Q. Mr. Lo, can you tell us what where you are 14 current job is? 15 A. I am the CEO of BBPOS. 16 Q. Do you have any other role at BBPOS? 17 A. I'm also a director of BBPOS. 18 Q. How many directors are there? 19 A. There are five directors. 20 Q. How long have you been one of them? 21 A. I've been a director since the company was 22 founded in 2008. 23 Q. What about as CEO? How long have you had that 24 role? 25 A. It's on and off. In 2008, I was the founder</p>
<p style="text-align: right;">Page 10</p> <p>1 answer, that will make things go more smoothly. 2 Do you understand that? 3 A. Yes. 4 Q. If at my point today you don't understand my 5 question, can you please tell me that? 6 A. I will. 7 Q. Because if I ask a question and you answer it, 8 I'm going to understand that you're giving an 9 answer to the question that was given. You 10 understand that? 11 A. Yes. 12 Q. Is there any reason why you are not capable of 13 providing truthful and full answers today? 14 A. Can you repeat the question? 15 Q. Sure. Is there any reason that you are not 16 capable of providing answers to questions today? 17 A. No. 18 Q. We're probably going to go for a while today, 19 and, so, if for any reason you need to take a 20 break or want to take a break, please just say 21 so, and we'll take a break as soon as we can. 22 You can do it periodically. You don't have to 23 tell me why. Just, if you want to take a break, 24 we can take a break. Do you understand that? 25 A. I understand.</p>	<p style="text-align: right;">Page 12</p> <p>1 of the company, and I'm also the CEO. And then I 2 think in 2016, I recruited a CEO, and then I 3 stepped down as the CEO of the company. And then 4 in 2019, my CEO decide, and I'm back to the CEO 5 of the company again (inaudible) 6 Q. Who was CEO from 2016 to '19? 7 A. Alex Choi. 8 (INTERRUPTION BY THE COURT REPORTER TO ADDRESS 9 DIFFICULTY IN UNDERSTANDING THE DEPONENT) 10 Q. Could you spell Alex's last name, please? 11 A. C-H-O-I. 12 Q. What did you do before you became involved with 13 BBPOS? 14 A. I was a CEO and director. So before I 15 founded BBPOS, I was the CEO of another company, 16 also founded by me, called Systems Art Limited. 17 Q. Did you found that with Jimmy Tang? 18 A. Yeah. I found it with Jimmy Tang and Daniel 19 Tsaia. 20 Q. And what kind of business was Systems Art 21 Limited? 22 A. Systems Art Limited is a design company to 23 design electronic products for other companies. 24 Q. How long were you affiliated with Systems Art 25 Limited?</p>

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**17-20**

<p style="text-align: right;">Page 17</p> <p>1 Limited.</p> <p>2 Q. Was there a CEO?</p> <p>3 A. O-O. Chief operating officer.</p> <p>4 Q. Was there a CEO?</p> <p>5 A. Yes, there was a CEO.</p> <p>6 Q. Who?</p> <p>7 A. Jack Lau.</p> <p>8 Q. L-A-U?</p> <p>9 A. Yes.</p> <p>10 Q. Thank you. What did you do before you were</p> <p>11 associated with Infinite Dream Machine Limited?</p> <p>12 A. I was still in the university. I was a</p> <p>13 student.</p> <p>14 Q. So that was your first business role after</p> <p>15 school?</p> <p>16 A. Yes.</p> <p>17 Q. And where did you go to university?</p> <p>18 A. Hong Kong University of Science and</p> <p>19 Technology in Hong Kong.</p> <p>20 (INTERRUPTION BY THE COURT REPORTER)</p> <p>21 A. Hong Kong University of Science and</p> <p>22 Technology in Hong Kong.</p> <p>23 Q. Did you have a focus to your studies at the Hong</p> <p>24 Kong University of Science and Technology?</p> <p>25 A. Yes. I focused in electronic engineering.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Yes.</p> <p>2 Q. And the mPOS dongle is configured to allow for</p> <p>3 reading a credit card; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. And the functionality of the dongle plus the</p> <p>6 smartphone with the app is to facilitate a credit</p> <p>7 card transaction, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Does BBPOS manufacture mPOS dongles?</p> <p>10 A. Yes.</p> <p>11 Q. Does it also contract for the manufacture of mPOS</p> <p>12 dongles?</p> <p>13 A. Yes. We're contract manufacturer.</p> <p>14 Q. Does BBPOS sell mPOS dongles to customers?</p> <p>15 A. Yes.</p> <p>16 Q. Does BBPOS sell any hardware other than mPOS</p> <p>17 dongles?</p> <p>18 A. Yes.</p> <p>19 Q. What other hardware does BBPOS sell?</p> <p>20 A. BBPOS also sell a smart POS terminal, and</p> <p>21 also some accessories, like pep recognize,</p> <p>22 printer. It's all the peripheral, related to --</p> <p>23 for emergence to (inaudible).</p> <p>24 Q. All right. And I'm sorry. I think you said that</p> <p>25 you also -- BBPOS also sells, did you call it a</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Anything else?</p> <p>2 A. That's it.</p> <p>3 Q. Can you tell me, what is the business of BBPOS?</p> <p>4 A. BBPOS is a -- is design and manufacturer of a</p> <p>5 mPOS mobile point of sales. It's a dongle.</p> <p>6 (Inaudible) smart phone. It can turn a</p> <p>7 smartphone into a point of sales service terminal</p> <p>8 to take payment.</p> <p>9 Q. So BBPOS makes, you called it, an mPOS; is that</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. And that stands for mobile point sale, yes?</p> <p>13 A. Yes.</p> <p>14 Q. And I think you said that mPOS devise is a</p> <p>15 dongle, yes?</p> <p>16 A. Yes. It's a dongle. It's a dongle. It's a</p> <p>17 peripheral plug in and mobile phone. And then</p> <p>18 there's an F1A in the mobile phone to communicate</p> <p>19 with the dongle, to take that data and</p> <p>20 (inaudible) payment processor.</p> <p>21 Q. So the mobile point sale dongle connects to a</p> <p>22 smartphone, yes?</p> <p>23 A. Correct.</p> <p>24 Q. And there's an app on the smartphone that</p> <p>25 interacts with this peripheral device, yes?</p>	<p style="text-align: right;">Page 20</p> <p>1 smart POS terminal?</p> <p>2 A. Yes. Smart POS or end-to-end based POS</p> <p>3 terminal.</p> <p>4 Q. Is that a standalone unit that does not require</p> <p>5 connection to a smartphone?</p> <p>6 A. That's correct.</p> <p>7 Q. And then you mentioned some other products that</p> <p>8 you sell, and I caught that you said you sell</p> <p>9 printers and other peripherals for merchants.</p> <p>10 But was there something else that you mentioned?</p> <p>11 A. Yeah. Printer and also some Android tablet</p> <p>12 and a bar code scanner.</p> <p>13 Q. A bar code scanner. And you said Android</p> <p>14 something. I'm sorry. I didn't catch the word?</p> <p>15 A. Tablet.</p> <p>16 Q. Can you spell that? I'm just not understanding</p> <p>17 it.</p> <p>18 A. Table with T. T-A-B-L-E-T.</p> <p>19 Q. Oh, tablet.</p> <p>20 A. Tablet.</p> <p>21 Q. Okay. So BBPOS sells Android tablets?</p> <p>22 A. Yes.</p> <p>23 Q. What do those do?</p> <p>24 A. Can you repeat your question?</p> <p>25 Q. Sure. Are these tablets specifically for</p>

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<p style="text-align: right;">Page 25</p> <p>1 Q. Printers and other peripherals for the mPOS and  2 POS terminal, yes?  3 A. Yes.  4 Q. It sells tablets, and it's done so for the last  5 few years, yes?  6 A. Yes.  7 Q. And then it provides, as a service for a fee, the  8 Wise manager, which is a mobile device management  9 service, yes?  10 A. Yes.  11 Q. And it provides, for a fee, repair services for  12 the physical hardware, yes?  13 A. Yes.  14 Q. Provides support, but that's free of charge,  15 correct? The software support.  16 A. Correct.  17 Q. And then it does offer design services for  18 customization of its products, and I assume  19 that's done on a -- that's charged as to the  20 particular job, correct?  21 A. Correct.  22 Q. There's no standard fee for those design  23 services, right?  24 A. Correct.  25 Q. Other than those items, which we've just gone</p>	<p style="text-align: right;">Page 27</p> <p>1 correct?  2 A. Correct.  3 Q. And it was not -- was the Circle Swipe capable of  4 any other form of credit card transaction?  5 A. No. Just Mastercard.  6 Q. And when you say that it was an audio jack  7 device, you mean that it connected to the  8 smartphone through the smartphone's audio jack  9 port, correct?  10 A. Correct.  11 Q. When did BBPOS first sell Circle Swipe?  12 A. 2000 -- (inaudible) 2010.  13 Q. Soon after it was released?  14 A. Yes.  15 Q. Back in 2010 when the Circle Swipe first came  16 out, did BBPOS sell directly to customers?  17 A. No. We just -- we sell to ROAM Data only.  18 Q. Only to roam Gator?  19 A. Yes.  20 Q. And ROAM Data, for the benefit of the court  21 reporter, that's R-O-A-M D-A-T-A, yes?  22 A. Yes.  23 Q. And how was it that you came to be selling the  24 Circle Swipe to ROAM Data?  25 A. Will Graylin, who was the CEO of ROAM Data,</p>
<p style="text-align: right;">Page 26</p> <p>1 through, does BBPOS do anything else for its  2 business?  3 A. No. That's it.  4 Q. And when did BBPOS first come out with an mPOS  5 device?  6 A. 2009.  7 Q. 2009?  8 A. Yes.  9 Q. And what device was that?  10 A. It was an audio jack card reader. It only  11 accept Mastercard, and we call it Circle Swipe.  12 (INTERRUPTION BY THE COURT REPORTER)  13 A. It was an audio jack card reader, which only  14 accepts Mastercard. We call the device Circle  15 Swipe.  16 Q. Okay. Let me break that down a little bit. So  17 the first device was called Circle Swipe, yes?  18 A. Yes.  19 Q. And why was it called Circle Swipe?  20 A. Because it's a circle in form factor.  21 Q. Form factor, that's the physical shape of the  22 device, yes?  23 A. Yes.  24 Q. And the Circle Swipe reader that came out in 2009  25 could read a magnetic stripe on a credit card,</p>	<p style="text-align: right;">Page 28</p> <p>1 he was introduced to me by one of my friends.  2 And then he come to -- he fly to Hong Kong, and  3 we sign agreement for distribute of my product in  4 U.S.  5 Q. All right. So, Will Graylin, was he affiliated  6 with ROAM Data?  7 A. Yes.  8 Q. He was the CEO?  9 A. He was the CEO of ROAM Data in 2010, 2010.  10 Q. And who was the friend that introduced you to  11 Will Graylin?  12 A. Ken Mages, who was the CEO of Home ATM.  13 Q. How did you know Ken Mages?  14 A. I'm working on a project. When I found  15 Systems Art, I'm working on a project for Ken  16 Mages.  17 Q. What project were you working on for Ken Mages?  18 A. It's a PIN pad. It's a PIN pad.  19 Q. A PIN pad?  20 A. Yeah. PIN pad. Plug it into a PC.  21 Q. And do you know what Mr. Mages wanted a PIN pad  22 that plugged into a PC for?  23 A. Well, his company (inaudible) Home ATM. So  24 he would like to convert a PC into ATM machines.  25 And ATM machines, you have to enter PIN on the</p>

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<p style="text-align: right;">Page 29</p> <p>1 ATM machines. So that PIN pad function, as the</p> <p>2 key (inaudible) for the users to enter the PIN.</p> <p>3 Q. Did you, in fact, produce a PIN pad for Ken</p> <p>4 Mages?</p> <p>5 A. Yes.</p> <p>6 Q. Did you know anyone else at Home ATM when you</p> <p>7 were doing this work on the PIN pad?</p> <p>8 A. Just Ken Mages.</p> <p>9 Q. Do you know how Ken Mages knew Will Graylin?</p> <p>10 A. I don't know.</p> <p>11 Q. So explain to me what happened that Ken Mages</p> <p>12 introduced you to Will Graylin?</p> <p>13 A. Can you repeat your question?</p> <p>14 Q. Sure. I'll try to say it again. Describe for me</p> <p>15 what happened when Ken introduced you to Will.</p> <p>16 A. Well, Ken just call me and said that there's</p> <p>17 gentleman called Will Graylin who would like</p> <p>18 to -- who would like to buy some product. And</p> <p>19 then he introduce Will Graylin to me and said</p> <p>20 that we may be able to have him.</p> <p>21 So Will call me, and then he ask me, what do</p> <p>22 I have. And then I told him that I have this</p> <p>23 Circle Swipe. And then Will fly to Hong Kong.</p> <p>24 And then I do a demo to Will Graylin.</p> <p>25 After the demonstration, Will Graylin told</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. I'm not sure -- let me just back up, because I'm</p> <p>2 not sure I understood. I asked you how Ken Mages</p> <p>3 knew that you had this Circle Swipe, and I</p> <p>4 thought you said that you had sold some of the</p> <p>5 product to him. Did I misunderstand --</p> <p>6 A. I show, not --</p> <p>7 MR. GRIFFIN: You have to wait for him</p> <p>8 to finish. You can answer.</p> <p>9 A. I mean I show. S-H-O-W. I demonstrate.</p> <p>10 Q. Oh. You showed it to him?</p> <p>11 A. Yeah.</p> <p>12 Q. So you hadn't made any sales of the Circle Swipe</p> <p>13 to either Ken Mages or Home ATM, yes?</p> <p>14 A. Yes. I didn't make any sales yet. Just show</p> <p>15 the product to Ken Mages and ask him whether this</p> <p>16 product is good or not.</p> <p>17 Q. And what did he say?</p> <p>18 A. He has no comment.</p> <p>19 Q. And then you spoke with Will Graylin; he comes</p> <p>20 out to Hong Kong; you demo the product for him;</p> <p>21 and then I think you said that Mr. Graylin wanted</p> <p>22 another product?</p> <p>23 A. Yes.</p> <p>24 Q. What was -- what do you mean -- what was this</p> <p>25 other product?</p>
<p style="text-align: right;">Page 30</p> <p>1 me that he would like to have another product.</p> <p>2 So this is how I started relationship with Will</p> <p>3 Graylin.</p> <p>4 Q. Did you have any understanding of what ROAM Data</p> <p>5 did as a business when you first talked to Will</p> <p>6 Graylin?</p> <p>7 A. Yes. Will Graylin told me that ROAM Data is</p> <p>8 a software company. They provide a software</p> <p>9 called, if I remember correct, it's called ROAM</p> <p>10 reader. It's a ROAM reader that is a mobile -- a</p> <p>11 mobile market price to have a merchant to place</p> <p>12 the order over his application.</p> <p>13 Q. How did Ken Mages know that you had the Circle</p> <p>14 Swipe available?</p> <p>15 A. Because I also -- I sold a card reader to Ken</p> <p>16 Mages. So this is how he know I have the</p> <p>17 product.</p> <p>18 Q. You sold the Circle Swipe to him?</p> <p>19 A. Yes. Because I also ask him, you know,</p> <p>20 (inaudible) they stood or not. So this is how</p> <p>21 they know we have the product.</p> <p>22 Q. Did you sell it to Home ATM?</p> <p>23 A. No, we don't.</p> <p>24 Q. You sold it to Ken Mages?</p> <p>25 A. No, we don't.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Well, he said that he would like to have a</p> <p>2 product, (inaudible) reader. (Inaudible) came</p> <p>3 with the mobile phone wire audio check. He</p> <p>4 doesn't like the idea. He said he would like</p> <p>5 (inaudible) to communicate with mobile phone,</p> <p>6 microphone and speaker of the phone. So this is</p> <p>7 the product that he want.</p> <p>8 Q. Did you ever develop an mPOS device that</p> <p>9 communicated with the mobile phone through the</p> <p>10 microphone and speaker?</p> <p>11 A. I think finish -- I believe I did finish a</p> <p>12 prototype, and then I give the prototype to Will</p> <p>13 Graylin.</p> <p>14 Q. Was that ever commercialized?</p> <p>15 A. I don't know. But I never put order for this</p> <p>16 product.</p> <p>17 Q. How long after you met with Will in Hong Kong did</p> <p>18 ROAM Data begin buying the Circle Swipe?</p> <p>19 A. I forget. I think a few months later.</p> <p>20 Q. Did BBPOS manufacture the Circle Swipe?</p> <p>21 A. Yes.</p> <p>22 Q. Where is its factory?</p> <p>23 A. Where is the factory?</p> <p>24 Q. Yes.</p> <p>25 A. The factory is in southern China in Dongguan.</p>



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<p style="text-align: right;">Page 41</p> <p>1 distinguish it from the one connective wire or</p> <p>2 the jack.</p> <p>3 Q. So in the later versions of Chipper, how did the</p> <p>4 dongle communicate with the smartphone?</p> <p>5 A. Wire Bluetooth technology.</p> <p>6 Q. Only Bluetooth.</p> <p>7 A. We can also communicate with the process wire</p> <p>8 USB.</p> <p>9 Q. Did BBPOS sell Chipper to anyone other than</p> <p>10 AnywhereCommerce?</p> <p>11 A. Yes.</p> <p>12 Q. Who else?</p> <p>13 A. Some company in China.</p> <p>14 Q. Anyone outside of China?</p> <p>15 A. I don't remember. I don't remember. I don't</p> <p>16 remember much. I don't remember that.</p> <p>17 Q. Are you familiar with an abbreviations of PCI</p> <p>18 PTS?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what that stands for?</p> <p>21 A. It's a payment card industry standard to</p> <p>22 protect the PINs -- the PIN and card data of</p> <p>23 (inaudible) Wise.</p> <p>24 Q. PCI stands for payment card industry; is that</p> <p>25 right?</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Yes.</p> <p>2 Q. What's Visa Ready?</p> <p>3 A. Well, it is another guideline (inaudible) for</p> <p>4 Visa card for mPOS device.</p> <p>5 Q. That was another security specification?</p> <p>6 A. Yes.</p> <p>7 Q. And let's just get some vocabulary down here.</p> <p>8 Are you familiar with the G4X?</p> <p>9 A. Yes.</p> <p>10 Q. What's the G4X?</p> <p>11 A. It's another version of Circle Swipe but with</p> <p>12 different form factor.</p> <p>13 Q. G4X is a ROAM Data product, correct?</p> <p>14 A. It's our product sold to ROAM Data.</p> <p>15 Q. So it's a BBPOS product that you sold to ROAM</p> <p>16 Data and that ROAM Data then resold, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And when it was sold, it had ROAM data's logo on</p> <p>19 it, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Did -- you say that it's a different version of</p> <p>22 Circle Swipe. How many versions of Circle Swipe</p> <p>23 were there?</p> <p>24 A. I forget. There's many.</p> <p>25 Q. Were they all sold exclusively to ROAM Data?</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Yes.</p> <p>2 Q. And PTS stands for PIN transaction security; is</p> <p>3 that right?</p> <p>4 A. Yes.</p> <p>5 Q. And PCI PTS was mandated for terminals that</p> <p>6 utilized PIN entry back in 2011, right?</p> <p>7 A. I'm not sure whether this is mandate. It is</p> <p>8 just a standard. It is just a guide -- it's more</p> <p>9 like guideline.</p> <p>10 Q. You don't know whether the credit cards, such as</p> <p>11 Visa, Mastercard and American Express, mandated</p> <p>12 PCI PTS?</p> <p>13 A. I don't think it's mandate. It's like if</p> <p>14 it -- you can still use (inaudible) Wise without</p> <p>15 PCI. But if there's any fault, then I think the</p> <p>16 (inaudible) has to bear all the fraud.</p> <p>17 Q. All the fraud?</p> <p>18 A. Yes.</p> <p>19 Q. So would you agree with me that having a PCI PTS</p> <p>20 certified terminal is a benefit to the customer?</p> <p>21 A. Yes.</p> <p>22 Q. It's a valuable feature for you to offer your</p> <p>23 customers, right?</p> <p>24 A. Yes.</p> <p>25 Q. Are you familiar with the Visa Ready program?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. For customer outside China, yes. But we also</p> <p>2 customize the form factor for some customer in</p> <p>3 China.</p> <p>4 Q. Is the G5X another version of the Circle Swipe?</p> <p>5 A. Yes.</p> <p>6 Q. How are the G4X and G5X different from the Circle</p> <p>7 Swipe that came out in 2009?</p> <p>8 A. I don't remember that. Maybe if you showed</p> <p>9 me some photo, I tell you. I just know they</p> <p>10 different form factor.</p> <p>11 Q. Were the G4X and G5X Visa ready?</p> <p>12 A. I'm not sure.</p> <p>13 Q. Do you know the difference between EBC and CBC?</p> <p>14 A. I'm sorry.</p> <p>15 Q. Do you know the difference between EBC and CBC?</p> <p>16 A. I don't know.</p> <p>17 Q. Are you familiar with CVC encryption?</p> <p>18 A. I'm not.</p> <p>19 Q. Are you familiar with the fact that the PCI PTS</p> <p>20 standard can be applied to non-PIN mPOS devices?</p> <p>21 A. Yes.</p> <p>22 Q. And that came out with Version 3 of that PCI PTS</p> <p>23 standard, right?</p> <p>24 A. I don't know whether it was from 3 or from 4.</p> <p>25 I don't remember that.</p>

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1 utilize BBPOS trade secrets?  
 2 A. Well, when I see the product, it just make me  
 3 recall what Will Graylin said.  
 4 Q. Was there anything about the product in  
 5 particular that made you think that it might be  
 6 built using BBPOS IT?  
 7 A. Yes. Because Ingenico is not the type of  
 8 company who deals mobile POS sales. Ingenico is  
 9 the biggest transitional POS terminal  
 10 manufacturer in the world. So they're using  
 11 transitional POS. And all of a sudden, they have  
 12 this Chipper like product. So I start to worry,  
 13 worry. How come Ingenico come up with this type  
 14 of product? This is not their main business?  
 15 Q. You say "all of a sudden." Did you have some  
 16 idea as to how long it took Ingenico to develop  
 17 that product?  
 18 A. I have no idea.  
 19 Q. So why did you say all of a sudden, they have the  
 20 product?  
 21 A. Well, because ROAM Data kept buying the  
 22 product from us. Since Will Graylin told me he  
 23 was no longer with ROAM Data, he was fired by  
 24 ROAM Data, and then -- you know, he was fired by  
 25 ROAM Data. I'm still selling product to ROAM

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1 Data in 2012, 2013, even 2014. So ROAM Data just  
 2 keep buying product from us.  
 3 So when I saw the product in Ingenico booth,  
 4 that's why I feel that it's weird. That's why I  
 5 said all of a sudden, Ingenico has an impulse to  
 6 compete with us.  
 7 Q. And just to complete a point you just made,  
 8 Ingenico or ROAM, or however you want to think  
 9 about them, continued to buy product from you  
 10 until 2018, right?  
 11 A. Can you repeat your question?  
 12 Q. Yeah. Sure. Ingenico -- you had said that ROAM  
 13 Data was still buying your products in 2013 and  
 14 2014, but they were also buying your products in  
 15 2015, 2016, 2017 and 2018, right?  
 16 A. Yes.  
 17 Q. So now that you have this worry after you've been  
 18 to the booth and you've seen this product and you  
 19 talked with Michael Kron and you have a worry  
 20 that maybe Will Graylin was right, what did you  
 21 do to investigate whether there was a problem  
 22 here with your -- with respect to your trade  
 23 secrets?  
 24 A. What can I do? I didn't do -- I don't do  
 25 anything.

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1 Q. So did you ever see a product -- strike that.  
 2 Was that prototype that you saw at the CARTES  
 3 trade show in 2014 released as a product?  
 4 A. Can you repeat your question?  
 5 Q. The device you saw at the trade show was a  
 6 prototype, correct?  
 7 A. I think so.  
 8 Q. Was that ever turned into a commercial product?  
 9 A. I think so. I think so.  
 10 Q. Why do you say "I think so"?  
 11 A. Because in 2014 -- originally, I try to sell  
 12 my Chipper to ROAM Data, and, also, we are trying  
 13 to work together to sell the product to pay  
 14 (inaudible). And, eventually, PayPal use  
 15 Ingenico devices, not us. So I believe that  
 16 their product has been commercialized and already  
 17 sold -- already sold in the market.  
 18 Q. If you knew -- you're familiar with your Swiper  
 19 SDK, yes?  
 20 A. Yes.  
 21 Q. Does that Swiper SDK allow for the -- allow for  
 22 the processing of an EMV transaction?  
 23 A. No.  
 24 Q. You can't -- if you're running the Swiper SDK on  
 25 an mPOS device, you can't actually perform an EMV

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1 transaction, correct?  
 2 A. Correct.  
 3 Q. Do you have any basis to think that Ingenico or  
 4 any of the defendants have ever misused any BBPOS  
 5 SDK?  
 6 A. Can you repeat the question?  
 7 Q. Do you have any reason to believe that any of the  
 8 defendants have ever misused a BBPOS SDK?  
 9 A. You said defendants. You mean Ingenico?  
 10 Q. Yes.  
 11 A. I think so.  
 12 Q. How?  
 13 A. Yeah. Because they -- because the product --  
 14 they communicate with the -- because ROAM Data  
 15 sell the product to PayPal, and the PayPal using  
 16 our audit, the Swiper. And then as we do the  
 17 Mastercard transaction, and the next generation  
 18 of the product is a Chipper, one Chipper also has  
 19 the Mastercard functions. So to make sure that  
 20 is comparable, so one of the function is to make  
 21 sure that the Mastercard is -- the Mastercard is  
 22 the same. The Mastercard is the same.  
 23 Q. I'm not understanding what you're saying the  
 24 defendants did wrong.  
 25 MR. GRIFFIN: What is the question?